

AMENDED IN SENATE JUNE 26, 1996  
AMENDED IN ASSEMBLY APRIL 8, 1996

CALIFORNIA LEGISLATURE—1995–96 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2678**

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**Introduced by Assembly Member Figueroa**

February 22, 1996

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An act to amend Section 12654 of the Government Code, relating to state actions.

LEGISLATIVE COUNSEL'S DIGEST

AB 2678, as amended, Figueroa. False claims actions: privileged publication or broadcast.

Existing law authorizes the Attorney General to bring a civil action for false claims made against a state or political subdivision if any portion of the money, property, or services issued from or was provided by the state, subject to specified requirements.

Existing law specifies, with certain exceptions, that a publication or broadcast made in a legislative or judicial proceeding, any other official proceeding authorized by law, or in the initiation or course of any other proceeding authorized by law and reviewable under the provisions of law relating to writs of mandate, is privileged for purposes of certain types of proceedings.

This bill would provide that the provision of law relating to a privileged publication or broadcast is not applicable to a claim subject to this civil action, *with a specified exception*.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 12654 of the Government Code  
2 is amended to read:  
3 12654. (a) A civil action under Section 12652 may not  
4 be filed more than three years after the date of discovery  
5 by the official of the state or political subdivision charged  
6 with responsibility to act in the circumstances or, in any  
7 event, no more than 10 years after the date on which the  
8 violation of Section 12651 is committed.  
9 (b) A civil action under Section 12652 may be brought  
10 for activity prior to January 1, 1988, if the limitations  
11 period set in subdivision (a) has not lapsed.  
12 (c) In any action brought under Section 12652, the  
13 state, the political subdivision, or the qui tam plaintiff  
14 shall be required to prove all essential elements of the  
15 cause of action, including damages, by a preponderance  
16 of the evidence.  
17 (d) Notwithstanding any other provision of law, a  
18 guilty verdict rendered in a criminal proceeding  
19 charging false statements or fraud, whether upon a  
20 verdict after trial or upon a plea of guilty or nolo  
21 contendere, except for a plea of nolo contendere made  
22 prior to January 1, 1988, shall estop the defendant from  
23 denying the essential elements of the offense in any  
24 action which involves the same transaction as in the  
25 criminal proceeding and which is brought under  
26 subdivision (a), (b), or (c) of Section 12652.  
27 (e) Subdivision (b) of Section 47 of the Civil Code shall  
28 not be applicable to any claim subject to this article,  
29 *except claims before the State Personnel Board.*

